

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Vernon Lamont Turner,)	Case No. 4: 16 CV 1088
)	
Petitioner,)	
)	JUDGE SOLOMON OLIVER, JR.
v.)	
)	
Becky L. Doherty,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Respondent.)	

Pro se petitioner Vernon Lamont Turner has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241. (Doc. No. 1.)

Promptly after the filing of a habeas petition, the district court must undertake a preliminary review of the petition to determine “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief.” Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts (applicable to petitions under §2241 pursuant to Rule 1(b)). If so, the petition must be summarily dismissed. *See Allen v. Perini*, 26 Ohio Misc. 149, 424 F.2d 134, 141 (6th Cir. 1970) (the district court has “a duty to screen out a habeas corpus petition which should be dismissed for lack of merit on its face”).

The petition is frivolous and must be summarily dismissed. Section 2241 allows prisoners who are “in custody under or by color of the authority of the United States or is committed for trial before some court thereof” to request habeas relief. 28 U.S.C. §2241(c)(1). Petitioner does not contend he is a federal prisoner; therefore, no relief is available to him under §2241.

Further, petitioner has already filed a habeas petition – that was summarily dismissed by

Judge Zouhary – based on the same grounds he asserts in this petition, that he “was unlawfully detained on or about March 27, 2016 by PORTAGE COUNTRY SHERIFF for PORTAGE COUNTY CHILD SUPPORT” and that Respondent Judge Becky Doherty made a “threat of harm” to compel his detainment. *Turner v. Becky L. Doherty*, Case No. 5: 16 CV 839 (N.D. Ohio April 27, 2016). This petition also lacks merit on its face for the reasons stated by Judge Zouhary.

Accordingly, petitioner’s motion to proceed *in forma pauperis* is granted (Doc. No. 2), and his petition is summarily dismissed. The Court further certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith.

Petitioner is also hereby cautioned that continued efforts to file duplicative and frivolous petitions may result in the Court declaring him to be a vexatious litigant and enjoining him from filing additional actions without leave of court. *See Filipas v. Lemons*, 835 F.2d 1145 (6th Cir.1987) (district court may impose pre-filing restrictions on prolific vexatious litigators).

IT IS SO ORDERED.

/S/SOLOMON OLIVER, JR. _____
CHIEF JUDGE
UNITED STATES DISTRICT COURT

May 13, 2016